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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 SHELENE I. BRIGGS,

11 Plaintiff(s),

12 v.

13 ANDREW M. SAUL,
14 Commissioner of Social Security,

15 Defendant(s).

Case No.: 2:19-cv-01094-APG-NJK

ORDER

(Docket No. 1)

16 Plaintiff has requested authority pursuant to 28 U.S.C. § 1915 to proceed *in forma pauperis*,
17 Docket No.1, and has submitted a Complaint, Docket No. 1-1.

18 **I. Application to Proceed *In Forma Pauperis***

19 Plaintiff filed an application to proceed *in forma pauperis*. Docket No. 1. The application
20 has sufficiently shown an inability to prepay fees and costs or give security for them. Accordingly,
21 the request to proceed *in forma pauperis* will be granted pursuant to § 1915(a). The Court will
22 now review Plaintiff's complaint.

23 **II. Screening the Complaint**

24 When a party seeks permission to pursue a civil case *in forma papueris*, courts will screen
25 the complaint pursuant to federal statute. *See* 28 U.S.C. § 1915(e). With respect to social security
26 appeals specifically, judges in this District have outlined some of the basic requirements for
27 complaints to satisfy the Court's screening. First, the plaintiff must establish that administrative
28 remedies were exhausted pursuant to 42 U.S.C. § 405(g), and that the civil action was commenced

1 within sixty days after notice of a final decision. Second, the complaint must indicate the judicial
2 district in which the plaintiff resides. Third, the complaint must state the nature of the plaintiff's
3 disability and when the plaintiff claims to have become disabled. Fourth, the complaint must
4 contain a plain, short, and concise statement identifying the nature of the plaintiff's disagreement
5 with the determination made by the Social Security Administration and show that the plaintiff is
6 entitled to relief. *See, e.g., Graves v. Colvin*, 2015 WL 357121, *2 (D. Nev. Jan. 26, 2015)
7 (collecting cases).

8 The Court finds these elements have not been pled. Plaintiff submits that she requested
9 review of the administrative decision denying her claim on August 28, 2018; however, Plaintiff
10 fails to establish that she exhausted her administrative remedies or that she filed her complaint
11 within sixty days of notice of a final decision. Docket No. 1-1 at 2. Without this information, the
12 Court cannot determine whether it has jurisdiction over her case. Further, Plaintiff fails to state
13 the nature of her disability, when she claims to have become disabled, the nature of her
14 disagreement with the Social Security Administration's determination, and why she believes she
15 is entitled to relief. *Id.*

16 **III. Conclusion**

17 Accordingly, the Court hereby **ORDERS** as follows:

- 18 1. Plaintiff's request to proceed *in forma pauperis* is **GRANTED** with the caveat that the fees
19 shall be paid if recovery is made. At this time, Plaintiff shall not be required to pre-pay the
20 filing fee.
- 21 2. Plaintiff is permitted to maintain this action to conclusion without the necessity of
22 prepayment of any additional fees or costs or the giving of a security therefor. The Order
23 granting leave to proceed *in forma pauperis* shall not extend to the issuance of subpoenas
24 at government expense.

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1 3. The complaint is **DISMISSED** with leave to amend. Plaintiff will have until **August 22,**
2 **2019**, to file an Amended Complaint, if she believes the noted deficiencies can be
3 corrected.

4 IT IS SO ORDERED.

5 Dated: August 8, 2019

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9 NANCY J. KOPPE
10 United States Magistrate Judge
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